



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)**

Date : 16.08.2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD)No.11520 of 2021

WEB COPY

1.Paramasivan
2.Chandiran @ Durai
3.Arunachalam

... Petitioners/Accused No. 1 to 3

Vs

The Inspector of Police,
Sattankulam Police Station,
Thoothukudi, Thoothukudi District.
Cr.No.138 of 2021.

... Respondent/Complainant

For Petitioner : Mr.M.Suresh

For Respondent : Mr.T.Senthilkumar,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No.138 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 427, 294(b) and 506(i) IPC in Crime No.138 of 2021, seek anticipatory bail.

2.The case of the prosecution is that due to land dispute, the petitioners abused the defacto complainant in filthy language and threatened him with dire consequences. The petitioners had also damaged the survey stones, which were put up by the defacto complainant in his land in survey No.1214/2C. Therefore, the present case came to be registered.

3.The learned counsel for the petitioners submitted that the petitioner are innocents and they have been falsely implicated in this case.

4.The learned Government Advocate(Crl.side) appearing for the respondent police submitted that due to land dispute, the petitioners abused and threatened the defacto complainant and also



damaged survey stones. He further submitted that the second petitioner is having one previous case pending against him.

5.Considering facts and circumstance of the case, nature of allegations levelled against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners.

6.Accordingly, this criminal original petition is allowed and the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Sattankulam, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/-(Rupees ten thousand only)each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

[a]the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b]the petitioners 1 & 3 shall report before respondent police daily at 10.30 am., until further orders. The second petitioner shall report before the respondent police daily Morning at 10.30 am., and Evening at 05.00 pm., until further orders.

[c]the petitioners shall not tamper with the evidence or witness either during investigation or trial.

[d]the petitioners shall not abscond either during investigation or trial.

[e]On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

[f]If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

Sd/-
16/08/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

WEB COPY

- TO
- 1 THE JUDICIAL MAGISTRATE,
SATTANKULAM.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
 - 3 THE INSPECTOR OF POLICE
SATTANKULAM POLICE STATION, THOOTHUKUDI,
THOOTHUKUDI DISTRICT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.11520 of 2021
Date :16/08/2021

GC/PN/SAR-2/19/08/2021/3P/5C